IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.12995 of 2008

JIBACHH CHAUDHARY
Versus
THE STATE OF BIHAR

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2. 7.5.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Hayaghat P.S. Case No.59/05, Trial No.118/08 under section 7 of the Essential Commodities Act.

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It is submitted on behalf of the petitioner that in the aforesaid case the police investigated the case and having found that no case is made out against the petitioner submitted final form. However, the learned Chief Judicial Magistrate, Darbhanga after examining various paragraphs of the case diary took cognizance in the matter. Learned counsel appearing for the petitioner submits that on perusal of the materials it would appear that no case can be said to have been made under section 7 of the E.C. Act against the petitioner, who is the vendor of the kerosene oil.

Having considered the submissions, as noticed

above, and on perusal of the material available on record, this Court directs that the sole petitioner Jibachh Chaudhary, in the event of his arrest or surrender in connection with Hayaghat P.S. Case No.59/05, within a period of four weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the court of the Sub-Divisional Judicial Magistrate, Darbhanga, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

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PNM **(Shailesh Kumar Sinha, J.)**

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